

BILL NO. Z-93-09-07

ZONING MAP ORDINANCE NO. Z-08-93

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. O-19.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

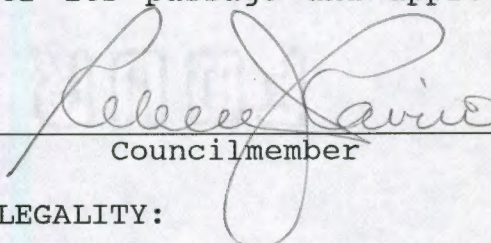
SECTION 1. That the area described as follows is hereby
designated an B-1-B (Limited Business) District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

Lots Numbered 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34
in Squire's Second Addition to the City of Fort Wayne,
according to the plat thereof, recorded in Plat Record
18, page 6, in the Office of the Recorder of Allen
County, Indiana.

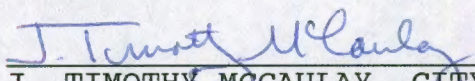
EXCEPTING THEREFROM, The South 25 feet of Lot Number 29
and the South 25 feet of Lot Number 30 in Squire's Second
Addition to the City of Fort Wayne, as recorded in Plat
Record 18, page 6.

and the symbols of the City of Fort Wayne Zoning Map No. O-19,
as established by Section 11 of Chapter 33 of the Code of the
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Parry,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock
_____, M., E.S.T.

DATED: 9-14-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Parry,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY				<u>✓</u>
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 10-26-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-08-93
on the 26th day of October, 1993

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 27th day of October, 1993,
at the hour of 2:30 o'clock P., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 2nd day of November,
1993, at the hour of 10:30 o'clock A M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

RECEIPT

No 14888

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 8/19 1993

RECEIVED FROM Labour's Prod'l Union \$ 200.00
 THE SUM OF Two Hundred + 00/100 DOLLARS
 ON ACCOUNT OF _____

12440

5700 So Cent Hwy
 Tazewell

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. 14:888

DATE FILED 8/19/93

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We LIUNA Local 213, Inc.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from ~~an~~ R-3 District to a ~~an~~ B1B District the property described as follows:

Lots Numbered 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 in Squire's

Second Addition to the City of Fort Wayne, according to the plat

thereof, recorded in Plat Record 18, page 6, in the Office of the

Recorder of Allen County, Indiana.

EXCEPT THEREFROM, The South 25 feet of Lot Number 29 and the South

25 feet of Lot Number 30 in Squire's Second Addition to the City of
(Legal Description) If additional space is needed, use reverse side. SEE OTHER

ADDRESS OF PROPERTY IS TO BE INCLUDED: SIDE

5700 S. Anthony Blvd., Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

John Suarez, President

5700 S. Anthony Blvd.

Judith Bay, Secretary

5700 S. Anthony Blvd.

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission.

Name and address of the preparer, attorney or agent.

Solomon L. Lowenstein, Jr.

(Name)

503 W. Wayne Street

Fort Wayne, IN., 46802

(Address & Zip Code)

(219) 422-4655

(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Fort Wayne, as recorded in Plat Record 18, page 6.

Owners of Property

LIUNA Local 213, Inc.	5700 S. Anthony Blvd.	
BY: John Suarez, President	5700 S. Anthony Blvd.	<i>John Suarez</i>
Judith Bay, Secretary	5700 S. Anthony Blvd.	<i>Judith Bay, Secy!</i>
(Name)	(Address)	(Signature)


NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST

"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.



FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING

FROM BEING HELD.

ZOHRAB K. TAZIAN, P.E. & L.S.
JOHN C. SAUER, L.S.
SAM L. FAUST, L.S.

zk tazian
ASSOCIATES, INC.
345 WEST WAYNE STREET
SUITE 202
FORT WAYNE, INDIANA 46802
PHONES: 219/424-3232
219/424-3234 FAX

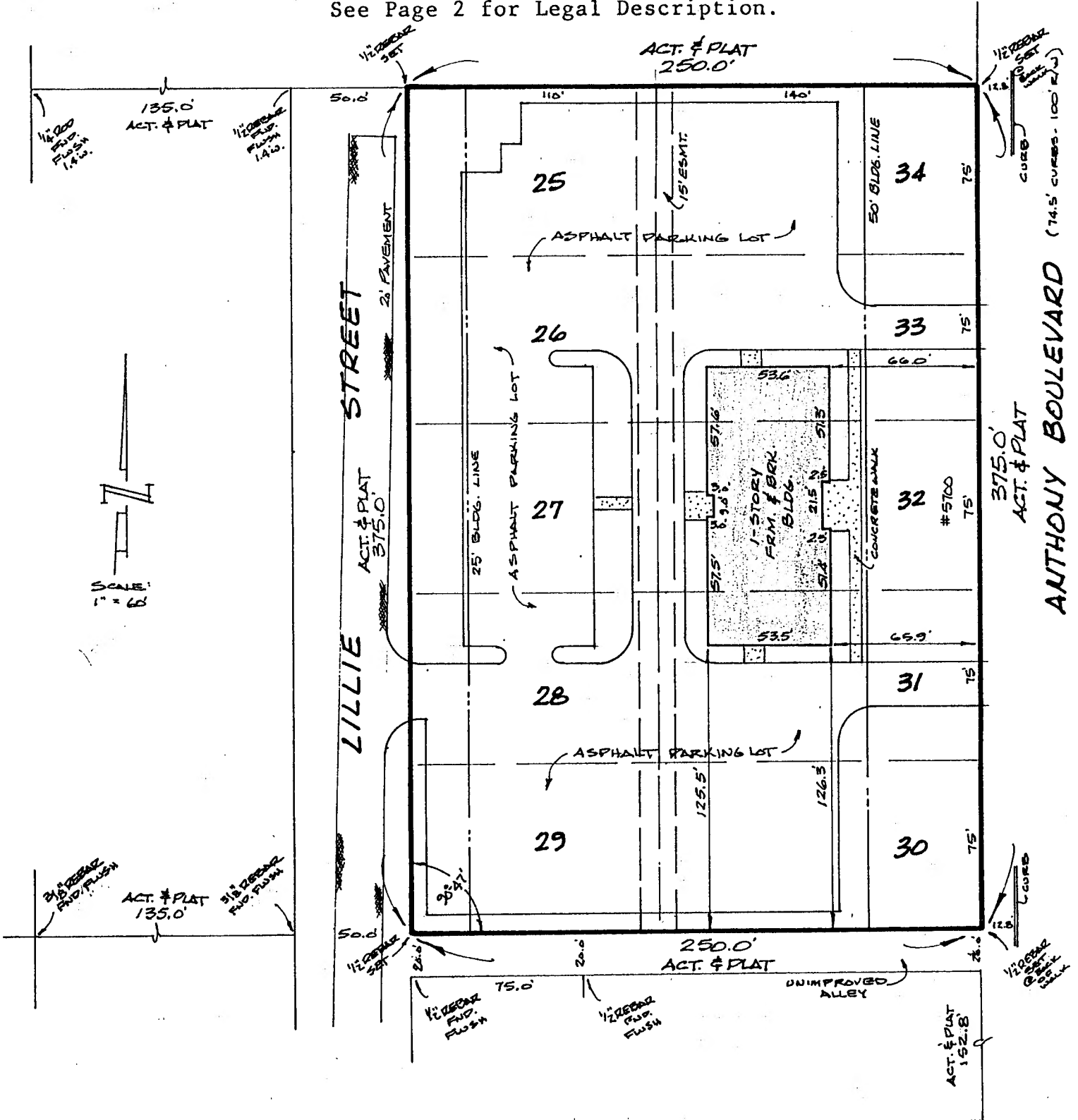
CIVIL ENGINEERING
SURVEYING
LAND PLANNING

CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

See Page 2 for Legal Description.



PAULDING RD.

I hereby certify on the 2nd day of October, 19 91 that the above survey is correct.
Surveyed for: Klaehn Realty, Inc.
Survey No.: RB-125



[Signature]

ZOHRAB K. TAZIAN, P.E. & L.S.
JOHN C. SAUER, L.S.
SAM L. FAUST, L.S.



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This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

Lots 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 in Squires 2nd Addition to the City of Fort Wayne, according to the plat thereof recorded in the Office of the Recorder of Allen County, Indiana.

This property is in Zone X, outside the 500 year flood limits, according to Flood Insurance Rate Map No. 18003C 0290D, effective September 28, 1990.

I hereby certify on the 2nd day of October, 19 91 that the above survey is correct.
Surveyed for: Klaehn Realty, Inc.
Survey No.: RB-125



Z.K. TAZIAN ASSOCIATES, INC.
345 W. WAYNE ST. SUITE 202
FORT WAYNE, IN 46802
(219) 424-3232

SURVEYOR'S REPORT

Prepared as a part of the following survey:

Date: October 2, 1991
Name: Klaehn Realty, Inc.
Job No: RB-125
Address: 5700 South Anthony Boulevard

Under Title 864, Article 1.1, Chapter 13, Sec. 1 et seq. of the Indiana Administrative Code, the following report is submitted with regard to:

- a) Variances in the reference monuments;
- b) Discrepancies in record descriptions and plats;
- c) Inconsistencies in lines of occupation;
- d) Random errors in measurements;

The Theoretical Uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Class B Survey (0.25 feet) as defined in IAC 864.

Curb lines of South Anthony Boulevard, curb lines of Paulding Road, and plat dimensions were used to establish the lot lines for this survey. Corners of subject tract are marked with 1/2 inch diameter rebars.

Existing improvements and paving details are shown on the survey certificate.

Consistent with the above findings it is the opinion of the undersigned that the above stated survey is subject to the following uncertainties with regard to the location of the lines and corners established therein:

Variances in reference monuments:	None
Discrepancies in record description:	None
Inconsistencies in lines of occupation:	None

I hereby certify the above statements to be correct to the best of my information, knowledge and belief.


Indiana Land Surveyor

NOTE: This report is provided for the client's information only and is not to be recorded.

CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA

FRANCIS X. MUELLER P.L.S. No. 50193 INDIANA

GREGORY L. ROBERTS P.L.S. No. 50548 INDIANA

FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

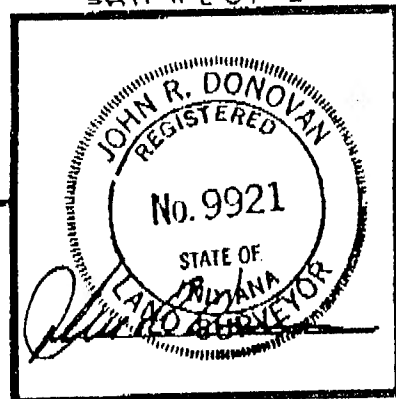
The description of the real estate is as follows, to wit: A twenty foot alley, being parallel to and adjacent to Lots Numbered 1, 2, 3, and 29 and 30 in Squire's Second Addition, being more particularly described as follows:

Beginning at the Northeast corner of Lot Numbered 1 in Squire's Second Addition; thence North along the West line of Anthony Boulevard, a distance of 20 feet to the Southeast corner of Lot Numbered 30 in Squire's Second Addition; thence West along the South line of Lot Numbered 29 and Lot Numbered 30 in Squire's Second Addition, a distance of 250 feet to a point on the East line of Lillie Street, said point being the Southwest corner of Lot Numbered 29; thence South along the East line of Lillie Street, a distance of 20 feet to the Northwest corner of Lot Numbered 3 in Squire's Second Addition; thence East along the North line of Lot Numbered 1, Lot Numbered 2 and Lot Numbered 3 in Squire's Second Addition, a distance of 250 feet to the point of beginning, containing 0.115 acres.

JOB FOR: WALGREENS

3-5-92

SHT. #2 OF 2



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 14, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-93-09-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 20, 1993.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

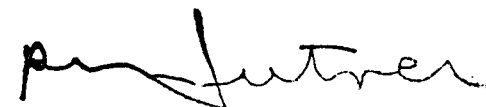
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting..

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 27, 1993.

Certified and signed this
28th day of September 1993.



Robert Hutner
Secretary

547

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 5700 So Anthony Blvd

2-93-09-07

EFFECT OF PASSAGE Property is currently zoned R-3 Multi-Family Residential. Property will become zoned B-1-B - Limited Business.

EFFECT OF NON-PASSAGE Property will remain zoned R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

FACT SHEET

Z-93-09-07

BILL NUMBER

**of Community
Development & Planning****TITLE****APPROVAL DEADLINE****REASON**Zoning Map Amendment
From R-3 to B-1-B**DETAILS****Specific Location and/or Address**

5700 So Anthony Bl

Reason for Project

This rezoning was initiated at the suggestion of the Plan Commission staff in order to bring the zoning of the property more into line with the existing uses on the property.

Discussion (Including relationship to other Council actions)

20 September 1993 - Public Hearing

Solomon Lowenstein, Jr., attorney with offices at 503 W Wayne St., appeared before the Commission. Mr. Lowenstein stated that he was representing the petitioner LIUNA 213, Inc. Mr. Lowenstein stated that the real estate initially was purchased by Klaehn Realty, Inc., in 1962. In 1970 Klaehn Realty, Inc., built a funeral home and it was used as such until shortly prior to 1991 when LIUNA 213, Inc., purchased the real estate. In 1991, on behalf of LIUNA 213, Inc., he contacted the staff of the City Plan Commission with regard to the parcel. At that time the staff recommendation was to keep the zoning R-3, but they recommended that they apply for a special use exception for a professional office in an R-3 District. He stated that they applied and were granted the use. He stated that on June 10, 1993 the Allen Circuit Court following the filing of a complaint for the amendment and modification of the Restrictive Covenants for Squire's Second Addition, which was filed by St. Mary's Realty, Inc., and LIUNA 213, Inc., through Mr. Lowenstein, regarding the use of the real estate. He stated that they approved

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**LIUNA 213, Inc.
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**
☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

the amendment to the deed restrictions, which allows for the establishment and operation of commercial and/or professional businesses. Subsequently his client sublet part of the premises to a local dentist. He stated at the time when the dentist requested a sign, the staff recommended that this particular rezoning be filed. He stated that they are complying with the staff's recommendation by filing for the request from R-3 to B-1-B.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

27 September 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote. Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 19 August 1993

Projected Completion or Occupancy

Date 28 September 1993


Fact Sheet Prepared by

Patricia Biancaniello

Date 28 September 1993

Reviewed by

Date

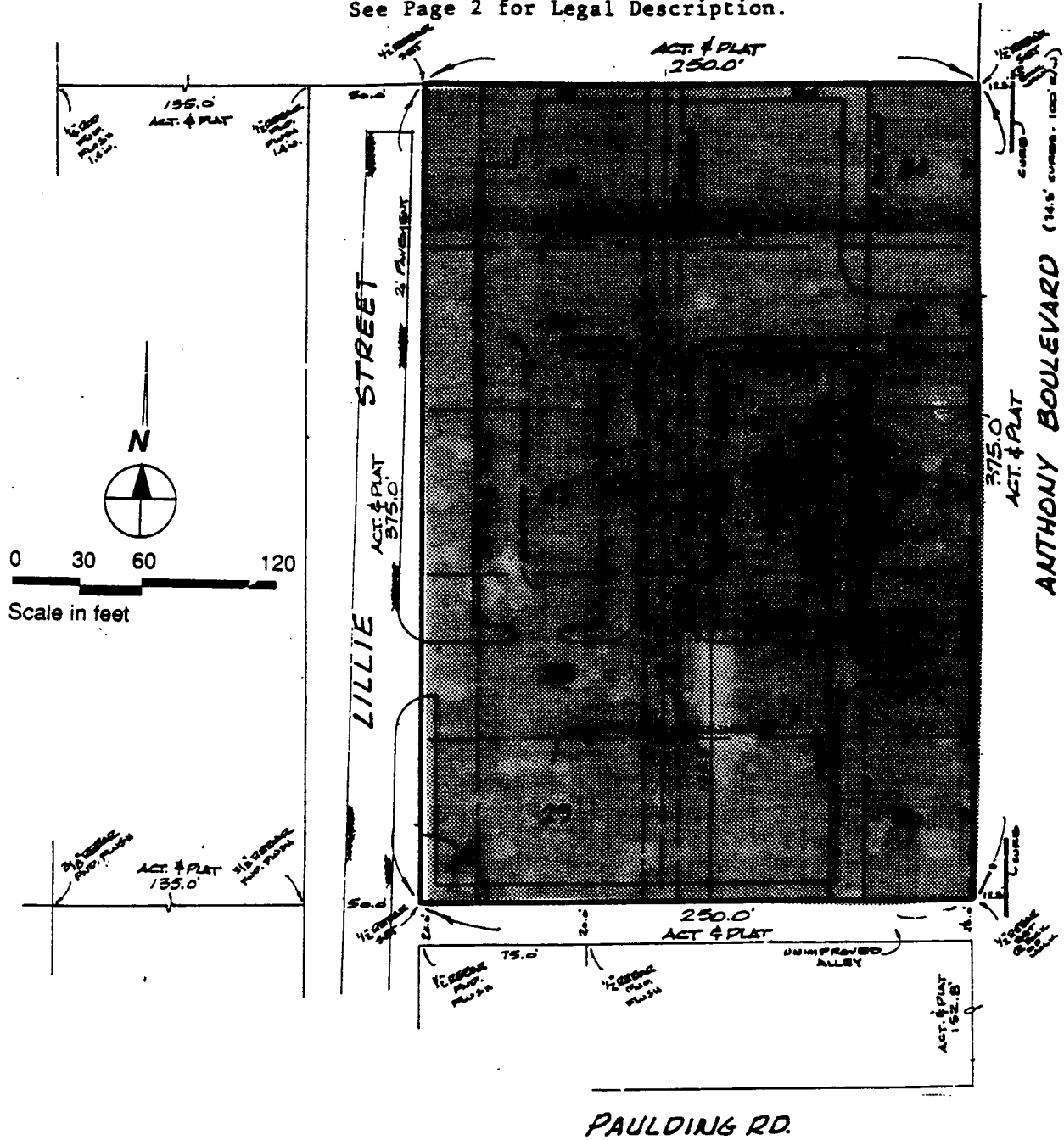

Reference or Case Number

REZONING PETITION

A MAP

CASE NO. #547

See Page 2 for Legal Description.



COUNCILMANIC DISTRICT NO. 6

Map No. O-19
LW 9-7-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

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WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

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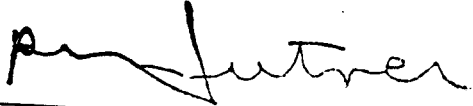
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 27, 1993.

Certified and signed this
28th day of September 1993.



Robert Hutner
Secretary

Solomon L. Lowenstein, Jr., attorney for LIUNA Local 213, Inc., requests a change of zone from R-3 to B-1-B.

Location: 5700 South Anthony Blvd.

Legal: See file

Land Area: Approximately 2 acres

Zoning: R-3

Surroundings:

North	B1B	Commercial
South	B1B	Commercial
East	B1B/RA	Commercial
West	R-1	Commercial & Residential

Reason for Request: Not stated on petition.

Neighborhood Assoc.: Mount Vernon Park

Neighborhood Plan: No comment.

Comprehensive Plan: No comment received.

Landscape: No comment.

Planning Staff Discussion:

This site is currently used as a union hall and offices. The parcel has existing commercial development on three sides of it. Anthony Boulevard at its intersection with Paulding Road has been developed as a commercial intersection with businesses primarily established to serve the local residents and passing motorists.

In early 1992 the parcel immediately south was redeveloped. A new drug store was constructed on that site. In connection with that development a portion of this parcel was sold off. Staff in discussion with the petitioners at that time had suggested the appropriateness of including this parcel in a rezoning request.

Rezoning petitions are evaluated against an established criteria which includes the Comprehensive Plan, current condition and character of uses in the area, conservation of property values, principles of responsible development and growth, and an evaluation of the highest or best land use of the site. Staff suggests that the requested zoning is appropriate for this area. The B-1-B is a limited business designation which allows approximately 90 uses. The concept behind the limited business classification is to provide for uses intended to serve area residents and businesses, and passing motorists. Existing uses to the north and south include a fast food store, and a drug store. We do not feel that

approval will in any way detract from property values or growth potential in the area. Commercial zonings and uses should be supported at this intersection, and would compliment established uses and designations.

Recommendation: Do Pass for the following reasons:

- 1) Approval is consistent with existing uses in the area and would not negatively impact area property values.
- 2) The requested zoning represents an appropriate designation to allow for the full use of the property within its highest land use potential.

BILL NO. Z-93-09-07

REPORT OF THE COMMITTEE ON
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. 0-19

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Rebecca J. Ravine
David C. Long
John Schmidt

DATED:

10-26-93.

Sandra E. Kennedy
City Clerk